

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to deer hunting

The Natural Resource Commission (Commission) hereby amends Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6)“a,” 481A.39 and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.38, 481A.39 and 481A.48 and section 483A.8 as amended by 2022 Iowa Acts, Senate File 581.

Purpose and Summary

Chapter 106 governs deer hunting by residents in the state of Iowa. This chapter regulates deer hunting and sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

This rule making adopts seven amendments necessary to align Chapter 106 with recent legislation. More specifically, 2022 Iowa Acts, Senate File 581 (signed by Governor Reynolds on June 17, 2022), established a mandatory rifle-based January antlerless-deer-only season whenever a county has unsold antlerless deer licenses available in its county quota. That season and the rifle requirement have both been added to the chapter. Additionally, the legislation required that the deer depredation program sell its license and shooting permits for \$5. Those fees have been appropriately adjusted.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 5, 2022, as **ARC 6579C**. A public hearing was held on October 25, 2022, at 12 noon via video/conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on December 8, 2022.

Fiscal Impact

This rule making has no negative fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 15, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 106.1(6) as follows:

106.1(6) *January antlerless-deer-only licenses.*

a. Population management season. Licenses for the population management January antlerless-deer-only season may be issued for the following counties: Allamakee, Appanoose, Decatur, Monroe, Wayne, and Winneshiek. Population management January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in subrule 106.6(6), remain unsold in that county as of the third Monday in December. If 100 or more antlerless-deer-only licenses remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses shall be made available for the population management January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in subrule 106.6(6) is met.

b. Excess tag season. Licenses for the excess tag January antlerless-deer-only season may be issued in any county. Excess tag January antlerless-deer-only licenses shall be issued for a county only when a minimum of one antlerless-deer-only license, as described in subrule 106.6(6), remains unsold for a given county through January 10. Remaining antlerless-deer-only licenses shall be made available starting on January 11 for the excess tag January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in subrule 106.6(6) is met.

ITEM 2. Amend subrule 106.2(5) as follows:

106.2(5) *Population management and excess tag January antlerless-deer-only ~~season~~ seasons.* Deer may be taken in accordance with the type, season, and zone designated on the license from January 11 through the second Sunday following that date.

ITEM 3. Amend subrule 106.4(5) as follows:

106.4(5) *Population management and excess tag January antlerless-deer-only ~~season~~ seasons.* The bag limit is one deer per license. The possession limit is one deer per license.

ITEM 4. Amend subrule 106.6(4) as follows:

106.6(4) *Population management and excess tag January antlerless-deer-only ~~season~~ seasons.* Only antlerless-deer-only licenses, paid or free, are available in counties pursuant to the conditions described in subrule 106.1(6). A license must be used during the population management or excess tag January antlerless-deer-only season as described in subrule 106.2(5) and in the county or deer population management area selected at the time the license is purchased. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the population management or excess tag January antlerless-deer-only season.

ITEM 5. Amend subrule 106.7(5) as follows:

106.7(5) *January antlerless-deer-only ~~season~~ seasons.*

a. Population management January antlerless-deer-only season. Bows, crossbows, shotguns, muzzleloaders, ~~rifles (including centerfire rifles .240 to .350)~~, and handguns, as each is described in this

rule, and rifles as described in Iowa Code section 483A.8(9) as enacted by 2022 Iowa Acts, Senate File 581, section 4, may be used during the population management January antlerless-deer-only season.

b. Excess tag January antlerless-deer-only season. Only rifles as described in Iowa Code section 483A.8(9) as enacted by 2022 Iowa Acts, Senate File 581, section 4, shall be used during the excess tag January antlerless-deer-only season.

ITEM 6. Amend paragraph **106.11(4)“a”** as follows:

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for ~~the regular deer license~~ a fee of \$5 for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) to (7) No change.

ITEM 7. Amend subparagraph **106.11(4)“b”(1)** as follows:

(1) Deer shooting permits will be issued ~~at no cost~~ for a fee of \$5 to the applicant.

[Filed 12/14/22, effective 2/15/23]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/11/23.